

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 1, 2008

ORDINANCE NO. 09-05-509

Re: To Amend Frederick County Code Section 1-19-2.160 to permit structures destroyed by catastrophic event to be reconstructed, in certain circumstances, without full site plan review.

The Board of County Commissioners of Frederick County, Maryland (the "Board") has determined that it would be in the best interests of the citizens of Frederick County to amend Section 1-19-2.160 of the Frederick County Code to by adding subsection (D) to permit structures destroyed by catastrophic event to be reconstructed, in certain circumstances, without full site plan review; and to amend Section 1-19-11.100 DEFINITIONS subsection (B) by providing a definition for "Catastrophic Event".

The Frederick County Planning Commission recommended approval at their public hearing on February 11, 2009.

A duly advertised public hearing for the Board of County Commissioners on this proposed Ordinance was held on February 17, 2009. The public had an opportunity to comment on the proposed Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that Sections 1-19-2.160 and 1-19-11.100 be amended as follows:

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
**[Brackets] indicate matter deleted from existing law.**

**§ 1-19-2.160. PLANNING COMMISSION.**

(A) Sound future development of the county requires that high intensity development receive special site plan review and approval by the Planning Commission. Site plan review enables the Planning Commission and other local agencies to evaluate the merits of each proposal.

(B) No zoning certificate and building permit will be issued, and no structure or use will be established except in conformity with a site development plan approved by the Planning Commission, or their authorized representatives.

(C) After a site plan has been approved and construction of the development has been completed in accordance with the site plan, a change in use which does not affect the design of the development and which requires no new construction other than minor remodeling or changing of permitted signs, will not require an additional site plan review by the Planning Commission. The Zoning Administrator may process minor changes, however, he will refer major proposed changes to the Planning Commission for approval.

(D) A SITE DEVELOPMENT PLAN SHALL NOT BE REQUIRED FOR THE RECONSTRUCTION OF AN EXISTING STRUCTURE THAT HAS BEEN SUBSTANTIALLY OR WHOLLY DESTROYED BY A CATASTROPHIC EVENT, IF THE STRUCTURE WILL BE RECONSTRUCTED ON THE SAME FOOTPRINT OR FOUNDATION. THE ZONING ADMINISTRATOR WILL PROCESS ANY REQUEST FOR THE RECONSTRUCTION OF THESE STRUCTURES; HOWEVER, HE MAY REFER ANY REQUEST TO THE PLANNING COMMISSION FOR SITE PLAN APPROVAL. THE RECONSTRUCTION OF THE STRUCTURE MUST COMPLY WITH:

(1) ALL OTHER PROVISIONS OF THIS CHAPTER TO THE EXTENT PRACTICABLE, AS DETERMINED BY COUNTY STAFF; AND

(2) ALL APPLICABLE STATE AND LOCAL CODES AND REGULATIONS IN EXISTENCE AT THE TIME OF RECONSTRUCTION.

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

**[Brackets] indicate matter deleted from existing law.**

**§ 1-19-11.100. DEFINITIONS**

(B) In this chapter the following terms are used as defined unless otherwise apparent from the context.

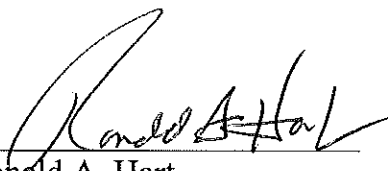
*CATASTROPHIC EVENT.* A FIRE, EXPLOSION, FLOOD, HURRICANE, TORNADO, OR OTHER DISASTER NOT CAUSED BY THE PROPERTY OWNER OR HIS OR HER AGENT.


AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on July 1, 2008.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 17th day of February, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
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Ronald A. Hart  
County Manager

  
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David P. Gray  
Vice President

MJC 2/17/09

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
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